IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CRIMINAL JURISDICTION

Ld **CRIMINAL WRIT PETITION NO.1860 OF 2006**

Fatima Jabbar Shaikh & anr... Petitioners

versus

Mr.Bhalchandra Kale & ors .. Respondents

Mr.P.G.Hartalkar, Advocate for Petitioner

Mr.Ganesh Sovani,Advocate for Resps nos.4 & 5

Ms.S.D.Shinde, APP for State

CORAM : J.N.PATEL AND

SMT.ROSHAN DALVI, JJ

DATED : 18th October, 2006

P.C.

1. Heard.

2. The petitioner has approached this Court seeking a departmental inquiry against the Police

Officers i.e. respondent os. 1 to 5 for falsely prosecuting them which has resulted in undue harassment and they were made to suffer atrocities committed by high officers of the police department but, no action has been taken against them.

3. We have examined the petition and various orders annexed to it. On earlier occasion also, the petitioners approached this Court by filing Writ Petition No.1877 of 2005 and by an order dated 19th December, 2005 they withdrew the petition to enable them to take recourse to appropriate alternative remedy after obtaining sanction from the State Government to prosecute the Officers who were responsible for their malicious prosecution but, instead of pursuing the remedy after a lapse of almost one year, they have again come to this Court seeking a direction that a departmental inquiry be conducted by high officials of the police against the respondent nos. 1 to 5 who are all police Officers.

4. We find that such reliefs cannot be granted. The petitioners had a remedy in taking recourse to criminal prosecution or civil suit for damages which they have not availed of and therefore, we

find no merit in the petition.

5. Petition is dismissed.

(Smt R.S.Dalvi,J) **(J.N.Patel,J)**